

Judiciary Fee Sections

32 V.S.A. §1431 & 1434 are amended as follows:

§ 1431. Fees in supreme and superior courts

(a) Prior to the entry of any cause in the Supreme Court, there shall be paid to the Clerk of the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (2)-(5) of this subsection, prior to the entry of any cause in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the Superior Court, there shall be paid to the Clerk of the Court for the benefit of the state a fee of ~~\$250.00~~ \$265.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order, the fee shall be ~~\$75.00~~ \$80.00 if one or both of the parties are residents, and ~~\$150.00~~ \$160.00 if neither party is a resident except that if the stipulation is not acceptable to the court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under chapter 5 of Title 15 in the Superior Court, there shall be paid to the Clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section. If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the Court, the fee shall be ~~\$25.00~~ \$30.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce an order for parental rights and responsibilities, parent-child contact, or maintenance in the superior court, there shall be paid to the Clerk of the Court for the benefit of the State a fee of ~~\$75.00~~ \$80.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify an order for parental rights and responsibilities, parent-child contact, or maintenance in the Superior Court, there shall be paid to the Clerk of the Court for the benefit of the State a fee of ~~\$100.00~~ \$105.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order, the fee shall be ~~\$25.00~~ \$30.00. All

motions or petitions filed by one party at one time shall be assessed one fee—except that if the stipulation is not acceptable to the court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the Superior Court, there shall be paid to the Clerk of the Court for the benefit of the State a fee of ~~\$35.00~~ \$40.00 in lieu of all other fees not otherwise set forth in this section. If the motion or petition is filed with a stipulation for an order, there shall be no fee except that if the stipulation is not acceptable to the court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the clerk of the court for the benefit of the state a fee of \$ 75.00 ~~\$80.00~~ unless the request for registration is filed with a simultaneous motion for enforcement in which event the fee for registration shall be \$30.00 in addition to the fee for the motion as provided in subsection (4) above.

(c)(1) Prior to the entry of a small claims action, there shall be paid to the clerk in lieu of all other fees not otherwise set forth in this section, a fee of ~~\$75.00~~ \$80.00 if the claim is for more than \$1,000.00 and ~~\$50.00~~ \$55.00 if the claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of ~~\$50.00~~ \$55.00. The fee for every counterclaim in small claims proceedings shall be ~~\$25.00~~ \$30.00, payable to the clerk, if the counterclaim is for more than \$500.00, and ~~\$15.00~~ \$20.00 if the counterclaim is for \$500.00 or less.

(2)(A) Except as provided in subdivision (B) of this subdivision (2), fees paid to the clerk pursuant to this subsection shall be divided as follows: 50 percent of the fee shall be for the benefit of the county and 50 percent of the fee shall be for the benefit of the state.

(B) In a county where court facilities are provided by the state, all fees paid to the clerk pursuant to this subsection shall be for the benefit of the state.

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the supreme court or the superior court, there shall be paid to the clerk of the court for the benefit of the state a fee of ~~\$100.00~~ \$105.00 for every appeal, cross-claim, or third-party claim and a fee of ~~\$75.00~~ \$80.00 for every counterclaim in the superior court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the superior court shall be ~~\$100.00~~ \$105.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be ~~\$75.00~~ \$80.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title.

(e) Prior to the filing of any postjudgment motion in the superior court, including motions to reopen civil suspensions and motions for sealing or expungement in the criminal division pursuant to 13 V.S.A. §7602, there shall be paid to the clerk of the court for the benefit of the state a fee of ~~\$75.00~~ \$80.00 except for small claims actions.

(f) The filing fee for all actions filed in the judicial bureau shall be ~~\$50.00~~ \$55.00; the state or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the bureau for the benefit of the state.

(g) Prior to the filing of any postjudgment motion in the judicial bureau there shall be paid to the clerk of the bureau, for the benefit of the state, a fee of ~~\$35.00~~ \$40.00. Prior to the filing of any appeal from the judicial bureau to the superior court, there shall be paid to the clerk of the court, for the benefit of the state, a fee of ~~\$100.00~~ \$105.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the court finds that the applicant is unable to pay it. The clerk of the court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the Supreme Court. If, during the course of the proceeding and prior to a final judgment, the court determines that the applicant has the ability to pay all or a part of the waived fee, the court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the court may dismiss the proceeding.

§ 1434. Probate cases

(a) The following entry fees shall be paid to the probate division of the superior court for the benefit of the state, except for subdivisions ~~(187)~~ and ~~(19)~~ of this subsection, which shall be for the benefit of the county in which the fee was collected:

(1) Estates of \$10,000.00 or less \$ ~~25.00~~ 30.00

Includes Conveyance—Motor Vehicle involving a person who is not a surviving spouse

(2) Estates of more than \$10,000.00 to not more than \$ 50,000.00	\$ 75.00	<u>80.00</u>
(3) Estates of more than \$50,000.00 to not more than \$150,000.00	\$ 200.00	<u>210.00</u>
(4) Estates of more than \$150,000.00 to not more than \$500,000	\$ 375.00	<u>395.00</u>
(5) Estates of more than \$500,000.000 to not more than \$1,000,000	\$ 625.00	<u>660.00</u>
(6) Estates of more than \$1,000,000.00 to not more than \$5,000,000	\$1,000.00	<u>1,050.00</u>
(7) Estates of more than \$5,000,000.00 to not more than \$10,000,000	\$1,500.00	<u>1,575.00</u>
(8) Estates of more than 10,000,000.00	\$1,750.00	<u>1,840.00</u>
(9) For all trust petitions, other than those described in Subdivision (11) of this subsection, where the corpus of the trust at the time the petition is filed is \$100,000.00 or less, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust	\$ 150.00	<u>160.00</u>
(10) For all trust petitions, other than those described in Subdivision (11) of this subsection, where the corpus of the trust is more than \$100,000.00, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust	\$ 250.00	<u>265.00</u>
(11) Annual accounts on trusts	\$ -30.00	<u>35.00</u>
(12) Annual accounts on decedents' estates filed for any period ending more than one year following the opening of the estate	\$ 25.00	<u>30.00</u>
(13) Adoptions <u>and relinquishments as part of an adoption proceeding</u>	\$ 75.00	<u>100.00</u>
<u>(14) Relinquishments, separate from adoptions</u>	\$ 00.00	<u>100.00</u>
(14) 15) Guardianships for minors	\$ 85.00	<u>90.00</u>
(15) 16) Guardianships for adults	\$ 100.00	<u>105.00</u>
(16) 17) Petitions for change of name	\$ 125.00	<u>135.00</u>
(17) 18) Filing of a will for safekeeping, except that there shall be no fee for the filing of subsequent wills in that district for the same person	\$ 20.00	<u>25.00</u>
<u>(19) Filing of subsequent will for safe keeping, same probate division or transfer to another probate division</u>	\$ 00.00	<u>15.00</u>
(18) 20) Corrections for vital records	\$ 25.00	<u>30.00</u>
(19) 21) Orders of authorization <u>pursuant to 18 V.S.A. § 5144</u>	\$ 25.00	<u>30.00</u>
(20) 22) Conveyances of title to real estate pursuant to 14 V.S.A. § 1801, <u>includes conveyance—petition to clear title and conveyance—release discharge of mortgage</u>	\$ 50.00	<u>55.00</u>
(21) 23) Petitions concerning advance directives pursuant to 18 V.S.A. § 9718, <u>includes custodian—remains/cremains</u>	\$ -75.00	<u>80.00</u>
(22) 24) Civil actions brought pursuant to subchapter 3 of chapter 107 of Title 18.	\$ 50.00	<u>55.00</u>
(23) 25) Petitions for partial decree	\$ 100.00	<u>105.00</u>
(24) 26) Petitions for license to sell real estate	\$ 50.00	<u>55.00</u>

(27) Petitions for minor settlement pursuant to 14 V.S.A. § 2643 \$ ~~00.00~~ 30.00

(b) Pursuant to Vermont Rules of Civil Procedure 3.1, part of the filing fee may be waived if the court finds the applicant is unable to pay it. The court shall use procedures established in 32 VSA §1431(h) to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

(c) A fee of \$5.00 shall be paid for each additional certification of appointment of a fiduciary.

32 V.S.A. §1434a. Surcharge on fees is repealed.
